



Hundredth Legislature - First Session - 2007
Revised Committee Statement
LB 236

Hearing Date: February 14, 2007
Committee On: Health and Human Services

Introducer(s): (Johnson)
Title: Provide requirements for in-home personal care services workers

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

6	Yes	Senator(s): Johnson, Erdman, Hansen, Gay, Pankonin, Stuthman
	No	
1	Present, not voting	Senator Howard
	Absent	

Proponents:

Senator Johnson
Laura Plofchan
Connie Mich
Paul R. Hogan
Kim Robak

Representing:

Introducer
Kind Hearts, Inc.
Self
East Nebraska N.P.D.A. Chapter
Eastern Nebraska Chapter of the National Private
Duty Association

Opponents:

Terri Holman

Michaela Myers
Brendon Polt
Jeanne Snyder
Steve Morris

Representing:

Nebraska Planning Council on Developmental
Disabilities
Care Consultants for the Aging
Nebraska Health Care Association
Self
Self

Neutral:

Helen Meeks

Representing:

Health and Human Services Regulation and
Licensure

Summary of purpose and/or changes:

LB 236 relates to in-home personal care workers and in-home personal care services agencies. The bill defines terms (sec. 1). The bill provides qualifications for in-home personal care workers (sec. 2). The bill permits in-home personal care agencies to employ only persons who are qualified in-home personal care workers (sec. 3). An in-home personal care agency is required to perform or cause to be performed a criminal history record information check and driving record check of each in-home personal care services worker and to maintain documentation of such checks in its records.

An in-home personal care services worker may not perform services which require the exercise of nursing judgment or medical judgment. An in-home personal care services worker may direct or provide reminders to clients to self-administer medications or assist in the application of nontherapeutic topical ointments (sec. 4).

The bill amends provisions relating to home health aide services to exclude in-home personal care agencies and in-home personal care workers from such provisions (sec. 5).

The bill amends the Medication Aide Act to provide that the act does not apply to in-home personal care services workers directing or providing reminders to clients to self-administer medications or assisting clients in the application of nontherapeutic topical ointments (sec. 6).

Explanation of amendments, if any:

The committee amendment (AM) replaces the bill as introduced. The amendment makes technical changes to the bill but retains its original substantive content. The amendment removes the word “care” from the bill to avoid confusion with the definition of the word in other related statutes. It removes the word “exercise” from the definition of attendant services, and removes a duplicative reference to medication reminders. The amendment clarifies that a home health agency may be an in-home personal services agency for purposes of the bill, and that the bill does not include programs supported by the federal Corporation for National and Community Service (AmeriCorps).

The amendment revises the section relating to qualifications for in-home personal services workers. It adds the Medication Aide Registry, Nurse Aide Registry, or Nebraska State Patrol Sex Offender Registry to the list of registries referenced in the bill. The amendment also requires that an in-home personal services worker have training sufficient to provide the requisite level of in-home personal services offered. A check of the driving record of an in-home personal services worker would only be required if driving is a service provided by the worker.

The amendment clarifies that the new provisions relating to in-home personal services workers do not apply to the performance of health maintenance activities by designated care aides under section 71-1,132.30, and do not apply to persons who provide personal assistant services, respite care or habilitation services, or aged and disabled services.

Senator Joel Johnson, Chairperson